

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S York Road between * ZONING COMMISSIONER
Timonium Rd. & Landstreet Rd. *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Maryland State Fair and * Case No. 88-363-A
Agricultural Society, Inc. - *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances for Building "A": to permit a rear yard setback of 32 feet in lieu of the required 50 feet, a side yard setback as to Building B of 16.5 feet in lieu of the required 50 feet, and a side yard setback as to Building "D" of 18 feet in lieu of the required 50 feet; for Building "B": to permit a rear yard setback of 16.5 feet in lieu of the required 50 feet; for Building "D": to permit a side yard setback of 18 feet in lieu of the required 50 feet, and a front yard setback of 34 feet in lieu of the required 75 feet; and for Building "E": to permit a side yard setback as to Building "A" of 23 feet in lieu of the required 50 feet, and a rear yard setback of 2 feet in lieu of the required 50 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Howard M. Mosner, Jr., appeared, testified and was represented by Thomas J. Peddicord, Jr., Esquire. There were no Protestants.

Testimony indicated that the subject property, zoned M.R.-I.M. and located on the west side of York Road between Timonium Road and Padonia Road, consists of approximately 92 acres and is the site of the Maryland State Fair grounds. The Petitioner is building two pavilions, the Maryland State Fair Pavilion and the Department of Natural Resources Pavilion, at the north end of the 92 acre tract in close proximity to several existing buildings as shown in Petitioner's Exhibit 1. These buildings are being constructed in cooperation with the State of Maryland and must be completed in time for the opening of the 1988

TRAFFIC ENGINEERING CONSULTANTS
SIA Technical
EPA Zoning Violation Yes No
Citation Number
HEALTH

January 28, 1988

Thomas J. Peddicord, Jr., Esquire
Harlow, Peddicord & Young
404 Allegheny Avenue
Baltimore, Maryland 21204
Re: Maryland State Fair & Agricultural Society, Inc.
Maryland State Pavilion & DNR Pavilion
Item #206 88-363 (25)
Dear Mr. Peddicord:

By letter dated January 20, 1988 you have requested that your client the Maryland State Fair and Agricultural Society, Inc. the non-profit organization which conducts the annual State Fair be permitted to start construction which conducts the annual State Fair be permitted to start construction forthwith on 2 pavilions which are presently being petition for setback variance. Notwithstanding the fact that the variance petition will not be scheduled until sometime in March, this office will, based on our understanding that your client will accept full responsibility for eventual compliance with all zoning regulations, conditionally approve building permit applications for construction of these pavilions which are to be located on the interior of the Maryland State Fair property.

Upon making application for said permit, please present a copy of this letter to the Zoning Personnel.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

JAMES E. DYER
Zoning Supervisor

JED:kbb
Enclosure

Maryland State Fair in August, 1988. The buildings are located within the State Fair's property and no other property owner is affected by the requested variances.

The Baltimore County Zoning Regulations (B.C.Z.R.) require minimum rear, front, and side yard setbacks between buildings. The close proximity of the proposed pavilions to the existing structures on the subject property creates a major hardship for the Petitioner to meet the minimum setback requirements. As a result, the Petitioner filed the instant Petition.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of April, 1988 that variances for Building "A": to permit a rear yard setback of 32 feet in lieu of the required 50 feet, a side yard setback as to Building B of 16.5 feet in lieu of the required 50 feet, and a side yard setback as to Building "D" of 18 feet in lieu of the required 50 feet; for Building "B": to permit a rear yard setback of 16.5 feet in lieu of the required 50 feet; for Building "D": to permit a side yard setback of 18 feet in lieu of the required 50 feet, and a front yard setback of 34 feet in lieu of the required 75 feet; and for Building "E": to permit a side yard setback as to

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Description to Accompany Petition for Zoning Variance

The Petitioner's property is located in the 8th Election District of Baltimore County and is zoned M.R.-I.M. The property consists of approximately 92 acres and is located on the west side of York Road between Timonium Road and Landstreet Road.

The buildings identified in the Petition for Zoning Variance are located on the property owned by the Maryland State Fair & Agricultural Society, Inc., which property consists of approximately 92 acres. Specifically, Buildings "A", "B", "C", and "D" are located in the northernmost portion of the State Fair property, approximately 900' west of the intersection of York Road and Landstreet Road in Timonium.

The property in question is a portion of the entire tract of land which is more particularly described in the Deed dated November 20, 1955 and recorded among the Land Records of Baltimore County in Liber TBS #1901, Folio 319 from the Maryland State Fair & Agricultural Society of Baltimore County, Maryland to the Maryland State Fair & Agricultural Society, Inc.

Building "A" of 23 feet in lieu of the required 50 feet, and a rear yard setback of 2 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the approval of any building permits for construction, renovation, and/or installation of any equipment for any existing or proposed food service facility, the Petitioner shall submit complete plans and specifications for such work to the Department of Environmental Protection and Resource Management for final review and approval.
- 3) The Petitioner shall contact the Bureau of Air Quality Management to obtain requirements prior to the installation of the new fuel burning equipment.
- 4) Petitioner shall comply with all other requirements as set forth in the Zoning Plans Advisory Committee comments submitted heretofore.

JRH:bjs

-3-

Thomas J. Peddicord, Jr., Esquire
404 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
W/S York Road between Timonium Road and Landstreet Road
8th Election District; 3rd Councilmanic District
Maryland State Fair and Agricultural Society, Inc. - Petitioner
Case No. 88-363-A

Dear Mr. Peddicord:

Enclosed please find the decision rendered in the above-referenced case. Your Petition for Zoning Variance has been granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

JRH:bjs

Enclosures

cc: Petitioner's Counsel

File

AMENDED PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 243.1, 243.2 and 243.3... Building "A": to permit a rear yard of 32' instead of the required 50', a side yard as to Building B of 16.5' instead of the required 50', and a side yard as to Building D of 18' instead of the required 50'; Building "B": to permit a rear yard of 16.5' instead of the required 50'; Building "D": to permit a side yard of 18' instead of the required 50', and a front yard of 34' instead of the required 75'; Building "E": to permit a side yard as to Building A of 23' instead of the required 50', and a rear yard of 2' instead of the required 50'. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

All of the buildings indicated herein are contained entirely within the State Fair property in Timonium. The buildings to be constructed, Building A, The Maryland State Pavilion, and Building E, the DNR Pavilion, must be completed in time for the annual Maryland State Fair in August of 1988. There are no property owners or persons affected in any manner by this request for variance.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

| | |
|----------------------------------|---|
| Contract Purchaser: | Legal Owner(s): |
| (Type or Print Name) | MARYLAND STATE FAIR & AGRICULTURAL SOCIETY, INC. |
| Signature | (Type or Print Name) |
| Address | Signature |
| City and State | Signature |
| Attorney for Petitioner: | P.O. Box 108 |
| (Type or Print Name) | Address |
| Signature | Timonium, Maryland |
| Address | City and State |
| Towson, Maryland 21204 | Name, address and phone number of legal owner, contract purchaser or representative to be contacted |
| City and State | Name |
| Mosner's Telephone No.: 821-1011 | Address |
| | Phone No. |

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of April, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 1st day of March, 1988, at 10 o'clock

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCE
W/S York Rd., between Timonium Rd. & Landstreet Rd., 8th Dist.
OF BALTIMORE COUNTY
Case No. 88-363-A

PER 5 1988
ZONING OFFICE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final orders.

People's Counsel
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 47469

DATE 4/6/88 ACCOUNT 0145-000

AMOUNT \$ 35.00

RECEIVED FROM 4/6/88

FOR 12/20/87 # 706

VALIDATION OR SIGNATURE OF CASHIER

VALIDATION OR SIGNATURE OF CASHIER

Encl., 1988, a copy
Thomas J. Peddicord, Jr.,
c/o Towson, MD 21204.

MARLOW, PEDDICORD & YOUNG

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

404 ALLEGHENY AVENUE
BALTIMORE, MARYLAND 21204
(301) 821-1013

WILLIAM F. MARLOW, JR.,
THOMAS J. PEDDICORD, JR.,
THOMAS G. YOUNG, III
KENNETH R. MELTZER
DAVID A. FRIEDMAN
* ADMITTED IN MARYLAND
AND DISTRICT OF COLUMBIA

January 20, 1988

Mr. J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Maryland State Fair &
Agricultural Society, Inc.
Maryland State Pavilion &
DNR Pavilion

Dear Mr. Haines:

This office represents the Maryland State Fair & Agricultural Society, Inc., the non-profit corporation which conducts the annual Maryland State Fair and owns the property which is depicted on the amended site plan filed yesterday with your office.

The original Petition for Zoning Variance was filed on December 1, 1987 (Variance #206), and your office tells me that the Petition will probably be scheduled for hearing in late March.

The Amended Petition is necessary in order to depict the needed variance for a second pavilion (the DNR Pavilion). This is to request that this additional variance request be consolidated with case #206.

The new buildings to be constructed on the Fair Grounds property, The Maryland State Pavilion and the DNR Pavilion, are contained entirely within the State Fair property, as are all of the structures shown on the amended site plan. The request for the variance,

Mr. J. Robert Haines
January 20, 1988
Page Two

accordingly, will have no impact upon any land owner or other person, but is merely necessary as a technical matter to comply with The Baltimore County Zoning Regulations. It is essential that the pavilions be completed prior to the beginning of the annual State Fair in August of 1988. If the hearing on case #206 is not held until late March and the necessary building permits not issued until after the hearing, the Fair advises me that it will be impossible to complete construction of the structures prior to August. Accordingly, this is to request that the building permit applications be expedited and issued forthwith with the filing of the enclosed Amended Petition for Zoning Variance and attachments, subject to the holding of the formal hearing at a later date.

These pavilions are being built in cooperation with and at the specific request of the Governor of Maryland for use by agencies of the State of Maryland as well as by our client.

Naturally, since we are requesting that the State Fair be permitted to proceed with the construction of the pavilions immediately, we are authorized to state that the Maryland State Fair & Agricultural Society, Inc., will accept responsibility for the proper implementation of its construction plans in accordance with the Amended Petition for Variance.

Should any further information be required, please do not hesitate to contact me. Thank you for your cooperation and assistance in this matter.

Very truly yours,

Thomas J. Peddicord, Jr.

TJP:jrad
Enclosures
cc: The Honorable William Donald Schaefer
Mr. Howard M. Mosner, Jr.
Mr. James E. Dyer
Mr. Carl W. Richards, Jr.

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4300

Paul H. Reinecke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

December 30, 1987

Re: Property Owner: Mt. State Fair & Agricultural Society
Location: W/S York Rd. between Timonium Rd. and Landstreet Rd.
Item No.: 206
Zoning Agenda: Meeting of 12/15/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Joseph Kelly* 12/30/87 Noted and Approved: *John F. O'Neill*
Fire Prevention Bureau

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
394-3554

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comment for items number 206, 208, 209, 210, 211, 213, and 214.

January 7, 1988

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSP:rb

MARLOW, PEDDICORD & YOUNG

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

404 ALLEGHENY AVENUE
BALTIMORE, MARYLAND 21204
(301) 821-1013

WILLIAM F. MARLOW, JR.
THOMAS J. PEDDICORD, JR.
THOMAS G. YOUNG, III
KENNETH R. MELTZER
DAVID A. FRIEDMAN
* ADMITTED IN MARYLAND
AND DISTRICT OF COLUMBIA

WASHINGTON, D.C. ADDRESS
111 W. CHESAPEAKE AVE.
SUITE 405
TOWSON, MARYLAND 21204
(301) 821-1013

RECEIVED
JAN 21 1988
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

Enclosed is the original order in the above captioned case which was issued by your office on March 1, 1988.

TJP:jrad
Enclosures

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 18, 1988

COUNTY OFFICE BLDG.
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204
000

Thomas J. Peddicord, Jr., Esquire
404 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 206 - Case No. 88-363-A
Petitioner: Maryland State Fair &
Agricultural Society, Inc.
Petition for Zoning Variance

Dear Mr. Peddicord:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the Members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 206, Zoning Advisory Committee Meeting of December 15, 1987
Property Owner: Maryland State Fair and Agricultural Society
Location: W/S York Rd. between Timonium Rd. and Landstreet Rd.
Water Supply: *meteo* Sewage Disposal: *meteo*

COMMENTS ARE AS FOLLOWS:

1. Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
2. Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3175, to obtain requirements for such installation/s before work begins.
3. A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
4. A permit to construct from the Bureau of Air Quality Management is required for any chattriller operation which has a total cooking surface area of five (5) square feet or more.
5. Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
6. Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpool, hot tub, water and sewerage facilities or other appendages pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3111.
7. Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
8. If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
9. Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3106, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3175.
10. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal of a subbottom, owner must contact the Division of Waste Management at 494-3106.
11. Soil percolation tests, have been _____ must be _____ conducted.
12. The results are valid until _____.
13. Soil percolation test results for a expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
14. Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
15. In accordance with Section 13-117 of the Baltimore County Code, the water well yield test:
() shall be valid until _____
() is not acceptable and must be repeated. Tests must be accomplished prior to conveyance of property and approval of Building Permit Applications.
16. Prior to occupancy approval, the suitability of the water supply must be verified by collection of bacteriological and chemical water samples.
17. If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
18. Other:

James E. Dyer, Jr.

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Maryland Department of Transportation State Highway Administration

Richard H.
Secretary
Hal Kassoff
Administrator

December 17, 1987

Re: Baltimore County
Meeting of 12/15/87
Item # 206
Property Owner:
Maryland State Fair
and Agricultural Soc.
Location: W/S York Road
Maryland Route 45
between Timonium Rd. and
Landstreet Rd.
Existing Zoning: M.R. -IM
Proposed Zoning: Variance
Building A to permit a
rear yard setback of
12' in lieu of the
required 50'. Building B
to permit a side yard
setback of 16.5' in lieu
of the required 50'.
Building D to permit a
side yard setback of
18' in lieu of the
required 50'. Building B
to permit a rear yard
set back of 16.5' in lieu
of the required 50'.
Building D to permit a
side yard set back of 18'
in lieu of the required
50' and a front yard of
34' in lieu of the
required 75'.
Area: 92 acres
District 8th

RECEIVED
DEC 21 1987
ZONING OFFICE

Dear Mr. Haines:

After reviewing the submittal for Item 206, the State Highway Administration Bureau of Engineering Access Permits finds the plan generally acceptable.

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5062 Starwide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. J. Robert Haines
Page 2
December 17, 1987

If you have any questions, please call Larry Brocato of this office.

Very truly yours,

Michael J. Willis, Jr.
Acting Chief-Bureau of
Engineering Access Permits

LB/es
cc: J. Ogle

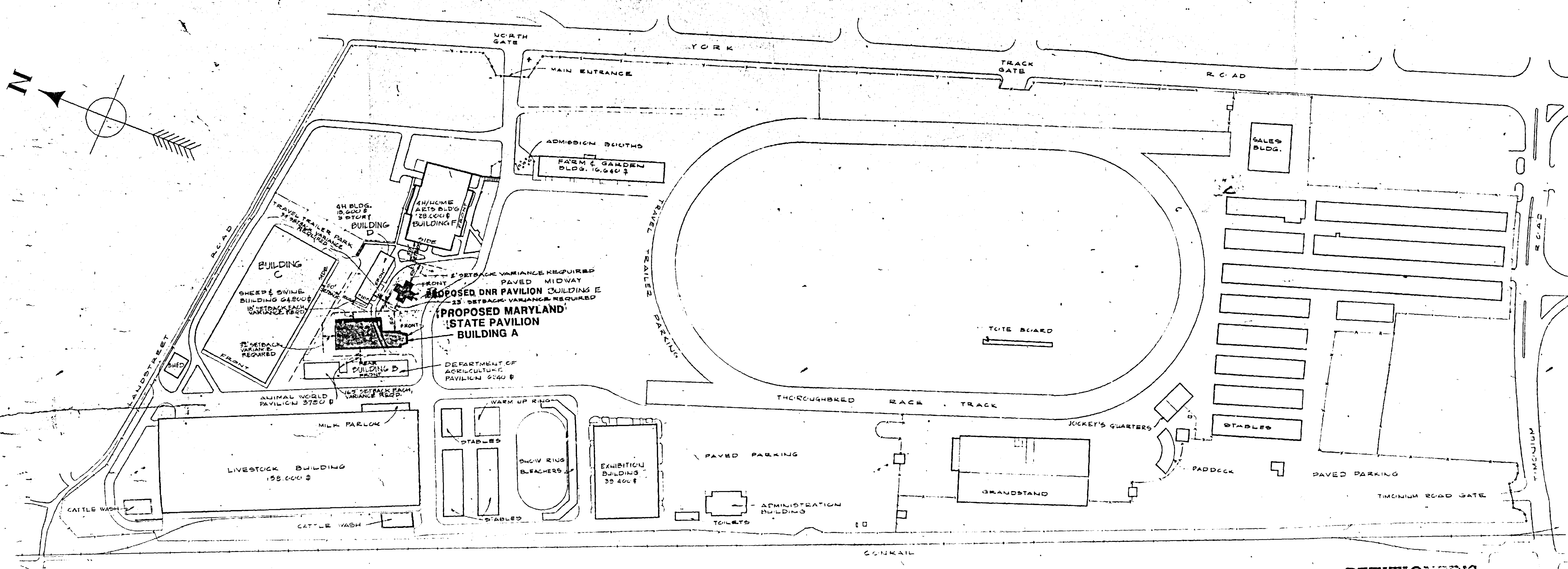
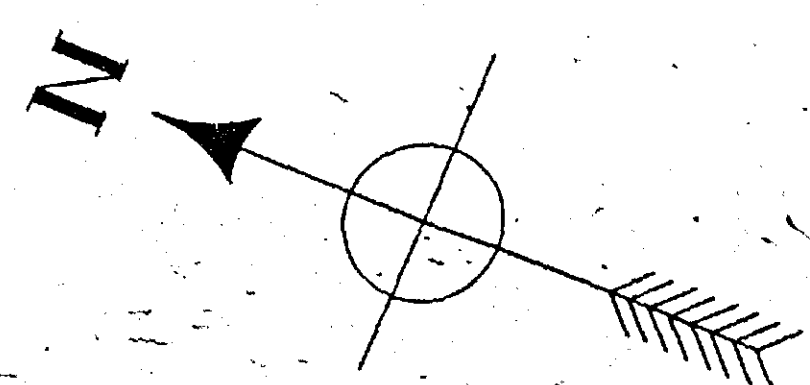
68-363-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
7th day of January, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
Petitioner
Petitioner's
Attorney
Maryland State Fair &
Agricultural Society, Inc.
Thomas J. Peddicord, Jr., Esquire
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee



SITE PLAN
0 50 100 200
SCALE IN FEET

PETITIONER'S
EXHIBIT 4

REVISED JAN. 12, 1988
REVISED NOV. 10, 1987
REVISED OCT. 1, 1987
REVISED OCT. 29, 1987

#306
REVISED PLANS
12/88

ZONE MR-1M
8th ELECTION DISTRICT

| | |
|--|---------------------------------|
| MARYLAND STATE FAIR AND AGRICULTURAL SOCIETY, INC. Timonium, Maryland | |
| SITE PLAN | |
| Greiner Engineering Sciences, Inc. Baltimore, Maryland | |
| DESIGNED | DRAWN R.V.D. JR. DATE MAR, 1981 |
| ARCHITECTURAL | SHEET 1 OF 1 |